

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 8/2/2023

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JONATHAN MANNION,

Plaintiff,

-against-

CLASSIC MATERIAL NY LLC and CARLOS
MALDONADO,

Defendants.
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21-cv-975 (NSR)

ORDER TO VACATE

NELSON S. ROMÁN, United States District Judge:

Jonathan Mannion (“Plaintiff”) filed the instant action against Classic Material NY LLC and Carlos Maldonado (together, “Defendants”) on February 3, 2021. (ECF No. 1.) Classic Material NY LLC was served on March 30, 2021 and directed to answer the Complaint by April 20, 2021, and Carlos Maldonado was served on April 23, 2021 and directed to answer the Complaint by May 14, 2021. (ECF Nos. 11 & 12.) On June 1, 2021, Clerk’s Certificates of Default were filed for Defendants. (ECF Nos. 18 & 19.) Plaintiff then filed a Proposed Order to Show Cause and Proposed Default Judgment with the supporting documentation. (ECF Nos. 20 & 25.)

A year passed in which the Court did not receive any communications from Plaintiff. The Court therefore issued an Order to Show Cause on May 11, 2022, directing Plaintiff to show cause in writing why the case should not be dismissed for want of prosecution. (ECF No. 26.) On June 10, 2022, Plaintiff’s counsel filed a declaration responding to the Order to Show Cause (ECF No. 27), indicating that Plaintiff had been waiting for the Court to sign the Order to Show Cause and Proposed Default Judgment docketed at ECF Nos 20 & 25.

Given that the Court has received a response in writing from Plaintiff's counsel, who has indicated that Plaintiff continues to seek to prosecute this action, the Court VACATES the Order to Show Cause for Want of Prosecution issued on May 11, 2022.

Plaintiff is directed to serve a copy of this Order on Defendants and file proof of service on the docket.

Dated: August 2, 2023
White Plains, New York

SO ORDERED:

A handwritten signature in blue ink, appearing to read "Nelson S. Román", is written over a horizontal line.

NELSON S. ROMÁN
United States District Judge